THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE MS. JUSTICE G. ROHINI

WRIT PETITION No.26446 of 2007

Date: 11th DECEMBER, 2007

Between :
M/s. R.M.C. Readymix India (P) Ltd.,
Unit No.4A, Nacharam Industrial Area,
Hyderabad.

.....Petitioner

And

The Assistant Commissioner, (CT), L.T.U.,
Saroornagar Division, Hyderabad and others.

.....Respondents.

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WRIT PETITION No. 26446 of 2007

ORDER : (Per Hon'ble Smt. Justice T. Meena Kumari)

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The petitioner-company filed the present writ petition seeking a writ of mandamus or any other appropriate writ or order or direction declaring the action of the 1st respondent in issuing the Garnishee Notice dated 7.12.2007 as illegal, arbitrary and without jurisdiction.

The grievance of the petitioner is that even when the appeal filed by the petitioner is pending, the first respondent issued the impugned garnishee notice dated 7.12.2007 directing to pay a sum of Rs.26,12,151/- towards tax under the A.P.G.S.T. Act for the assessment year 2004-2005. Hence, it filed the present writ petition seeking appropriate directions.

We have gone through the record. We feel that the interests of justice would have been met if stay was granted pending appeal, subject to deposit of half of the disputed tax liability. Therefore, we quash the impugned garnishee notice dated 07.12.2007 and direct the petitioner to pay 50% of the disputed tax liability within a period of six weeks from today. For six weeks, there shall be an unconditional stay and stay shall

continue till disposal of appeals, provided the amount is deposited within the stipulated time. The deposit of amount shall be without prejudice to the rights of the petitioner in appeal. If any amount has already been paid by the petitioner, the same shall be given credit to.

The Writ Petition is disposed of accordingly. No costs.

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T. MEENA KUMARI,J

DATE: 11th December, 2007

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G. ROHINI, ,J

Note:
Furnish c.c. by tomorrow
B/o
pnb